



Krishna Water Dispute

For Prelims: Constitutional Provisions of Inter Water River Disputes, Krishna River and its tributaries, location of Nallamala hills.

For Mains: Krishna Water Dispute challenges and Way Forward, Recusal of Judges.

Why in News

Recently, two judges of the [Supreme Court](#) have [recused](#) themselves from hearing a matter related to the distribution of **Krishna water dispute** between **Andhra Pradesh, Telangana, Maharashtra and Karnataka**.

- They cited the reason that they **did not want to be the target of partiality** since the dispute is related to their home states.

Recusal of Judges

- It is the **act of abstaining from participation in an official action** such as a legal proceeding due to a **conflict of interest** of the presiding court official or administrative officer.
- When there is a **conflict of interest, a judge can withdraw from hearing** a case to prevent creating a perception that he carried a bias while deciding the case.
- There are **no formal rules governing recusals, although several SC judgments** have dealt with the issue.
 - In **Ranjit Thakur v Union of India (1987)**, the SC held that the test of the likelihood of bias is the reasonableness of the apprehension in the mind of the party.
 - The judge needs to look at the mind of the party before him, and decide that he is biased or not.

Key Points

- **About:**
 - In 2021 Andhra Pradesh alleged that the Telangana government had deprived it of its legitimate share of water for drinking and irrigation purposes in an **“unconstitutional and illegal” manner**.
 - The water of the [Srisailem reservoir](#) — which is the main storage for river water between the two states — has turned out to be a major warring point.
 - Andhra Pradesh protested against **Telangana’s use of the Srisailem reservoir water** for power generation.
 - The Srisailem reservoir is constructed across the Krishna River in Andhra Pradesh. It is located in the **Nallamala hills**.
 - It further contended that Telangana was refusing to follow decisions taken in the apex

council constituted under the [Andhra Pradesh Reorganisation Act, 2014](#), directions of [Krishna River Management Board \(KRMB\)](#) constituted under this Act and directions of the Centre.

▪ **Background:**

◦ **Krishna Water Disputes Tribunal:**

- In 1969, the [Krishna Water Disputes Tribunal \(KWDT\)](#) was set up under the **Inter-State River Water Dispute Act, 1956**, and presented its report in 1973.
- At the same time, it was stipulated that the KWDT order may be reviewed or revised by a competent authority or tribunal any time after 31st May, 2000.

◦ **Second KWDT**

- The **second KWDT was instituted in 2004**. It delivered its report in 2010, which made allocations of the Krishna water at 65 % dependability and for surplus flows **as follows: 81 TMC for Maharashtra, 177 TMC for Karnataka, and 190 TMC for Andhra Pradesh.**

◦ **After the KWDT's 2010 report:**

- Andhra Pradesh challenged it **through a [Special Leave Petition](#) before the Supreme Court in 2011.**
- In 2013, the KWDT **issued a 'further report', which was again challenged by Andhra Pradesh in the Supreme Court in 2014.**

◦ **Creation of Telangana:**

- After the creation of Telangana, Andhra Pradesh has asked that **Telangana be included as a separate party at the KWDT** and that the allocation of Krishna waters be reworked **among four states, instead of three.**
 - It is relying on **Section 89** of The Andhra Pradesh State Reorganisation Act, 2014.
 - For the purposes of this section, it is **clarified that the project-specific awards already made by the Tribunal on or before the appointed day** shall be binding on the successor States.

▪ **Constitutional Provisions:**

◦ **Article 262** of the Constitution provides for the adjudication of [inter-state water disputes](#).

- Under this, Parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution and control of waters of any inter-state river and river valley.

◦ The Parliament has enacted the two laws, the **River Boards Act (1956)** and the **Inter-State Water Disputes Act (1956)**.

- The **River Boards Act provides** for the establishment of river boards by the Central government for the regulation and development of inter-state river and river valleys.
- **The Inter-State Water Disputes Act** empowers the Central government to set up an ad hoc tribunal for the adjudication of a dispute between two or more states in relation to the waters of an inter-state river or river valley.
 - Neither the Supreme Court nor any other court is to have jurisdiction in respect of any water dispute which may be referred to **such a tribunal under this Act.**

Krishna River

- **Source:** It **originates near Mahabaleshwar** (Satara) in Maharashtra. It is the second biggest river in peninsular India after the Godavari River.
- **Drainage:** It runs from four states **Maharashtra** (303 km), North **Karnataka** (480 km) and the rest of its 1300 km journey in **Telangana** and **Andhra Pradesh** before it empties into the Bay of Bengal.
- **Tributaries:** Tungabhadra, Mallaprabha, Koyna, Bhima, Ghataprabha, Yerla, Warna, Dindi, Musi and Dudhganga.



Way Forward

- The water disputes can be solved or balanced only by **having a permanent tribunal established with appellate jurisdiction of the Supreme Court** established over the tribunal's decision.
- The immediate target of any Constitutional Government should be **amendment to Article 262 and amendment to Inter-State Water Disputes Act** and its implementation at the equal note.
- It is time that we all should **rethink our strategy about water management**, not just within states, but at the national level keeping the water scenario in the next 30 years.
- The **channels of communication need to be improved desperately**, in order to gain a consensus.
- The mechanism must **improve in a manner that the body created by the Centre must adequately represent the states to protect their interests.**

[Source: TH](#)